

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CSX TRANSPORTATION, INC.

Plaintiff,

v.

B&J GROUP, INC.

Defendant.

CIVIL ACTION NO. 17-5296

ORDER

AND NOW, this 31st day of May 2019, upon consideration of the cross-motions for summary judgment and the responses and replies thereto, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motion for Summary Judgment filed by B&J Group, Inc. [Doc. No. 37] is **DENIED** and the Motion for Summary Judgment filed by CSX Transportation, Inc. [Doc. No. 41] is **GRANTED**. Plaintiff shall file a proposed judgment order no later than **June 7, 2019**, to which Defendant shall file any objections no later than **June 14, 2019**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.